

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CARMEN BIGIO, Individually and
on Behalf of All other person similarly situated,

Plaintiff,

-against-

JP MORGAN CHASE & CO.,

Defendant.

Civil Action No. 07-4622 (GEL)

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE, that pursuant to Federal Rule of Civil Procedure 12(b)(6), and upon the accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss and exhibits attached thereto, Defendant JPMorgan Chase Bank, National Association (incorrectly identified in the caption of the Complaint as "JP Morgan Chase & Co."), by and through its attorneys, Morgan, Lewis & Bockius LLP, will move this Court before the Honorable Gerald E. Lynch, United States District Court Judge, Southern District of New York, on a date and time to be designated by the Court or as soon thereafter as counsel may be heard, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, for an Order granting Defendant's Motion to Dismiss.

Respectfully submitted,

DATED: July 23, 2007

/s/ Sam S. Shaulson
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- and -

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